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C O N F I D E N T I A L ISLAMABAD 000267

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PARM](#) [KNNP](#) [PK](#)
SUBJECT: ISLAMABAD HIGH COURT "FREES" A.Q. KHAN, WITH
CONDITIONS

Classified By: Anne W. Patterson for reasons 1.4 (b) (d)

¶1. (C) Summary. The Islamabad High Court released a ruling on February 6 that declares A.Q. Khan a "free citizen." Although Khan and his lawyers claimed victory before the Pakistani media, the text of the ruling reads more like a plea deal, indicating that Khan accepted conditions on his freedom and is therefore not as "free" as the media suggests. Ambassador immediately called President Zardari, who had not yet been briefed on the decision, but who told her not to be concerned, and Interior Minister Malik, who assured her that the GOP will continue to control Khan's activities carefully. Attorney General Khosa similarly assured PolCouns that the government would "not let this go by" because the GOP fully understood the consequences. Strategic Plans Division DG Kidwai was traveling and unavailable for comment. At the end of the day, the ruling does not appear to have changed the status quo by a large margin, although his new media freedom may prove highly problematic. End Summary.

¶2. (U) On February 6, the Islamabad High Court Chief Justice Sardar Muhammad Aslam released a ruling on a year-old petition filed by A.Q. Khan's lawyer to end both his virtual house arrest and media gag order. The ruling repeats Khan's argument that he is not guilty of any criminal activity but states he has voluntarily accepted a government offer contained in a separate annex. The ruling concludes that Khan is a "free citizen" in accordance with the annex, which will "not be issued to the press or made public in any manner as requested by both the sides."

¶3. (U) Following the court announcement, Khan and his lawyer took to the airwaves to declare victory. In a press conference in front of his Islamabad residence, Khan thanked President Zardari, Prime Minister Gilani and Interior Minister Malik by name for their intervention in his case. He stated he is free to travel, but has no plans to leave Pakistan. His lawyer, meanwhile, stated that Khan is freed from his gag order and may speak to the media as he sees fit. However, he said, Khan will be accorded VIP security protection by the government and will alert them in advance to any travel.

¶4. (C) Post has not yet been able to obtain a copy of the annex and therefore cannot report with specificity on the conditions Khan accepted. However, media reports suggest he is required to give two days notice before any travel, and will continue to be guarded at all times "for his protection." These conditions are not dissimilar to the status quo, save the freedom to talk to the media.

¶5. (C) Ambassador immediately called President Zardari, who had been in a meeting and was unaware of the court's ruling, and Interior Minister Malik, who said this was prearranged.

Khan would be transferred from Ministry of Defense to Ministry of Interior custody "for his safety" and would have a police car constantly stationed outside his house. He said that the police would "limit" Khan's statements and control his movements and visitors. PolCouns spoke with Attorney General Latif Khosa, who also had not seen the court decision but indicated they "will not let this go by" because the government fully understood the consequences. Strategic Plans Division DG Lt.Gen. (ret) Kidwai was unavailable for comment. Akram Sheikh, a well-known attorney contact of post, told Ambassador there was no chance that Justice Aslam would have ruled against the government because he wants a position on the Supreme Court.

¶16. (C) Comment. At the end of the day, this ruling does not appear to have changed Khan's status significantly. This will be a popular decision for a government that badly needs a public boost; therefore, the government will try to play down Khan's continued restrictions publicly. Since the court's annex detailing those restrictions has been ruled confidential, although we expect it to be publicly available soon, it may be difficult to assure those concerned about Khan's proliferation activities that the GOP will continue to limit his activities. Complicating the issue is the lifting of the previous court gag order; Khan's propensity to talk to the media may quickly prove problematic to the military and the government. End Comment.

PATTERSON